

**ORDINANCE NO. 3924**

**AN ORDINANCE OF THE CITY OF EDMONDS,  
WASHINGTON, AUTHORIZING THE ACQUISITION BY  
NEGOTIATION OR CONDEMNATION OF REAL  
PROPERTY INTERESTS NEEDED FOR THE 228<sup>th</sup> ST. SW  
CORRIDOR IMPROVEMENTS PROJECT.**

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WHEREAS, the City of Edmonds (the “City”) is working to plan, design and construct the *228th St. SW Corridor Improvements project*, which consists of creating a new construct the missing link of roadway on 228<sup>th</sup> St. SW from Hwy. 99 to 76<sup>th</sup> Ave. W and install two new signals. The project also includes the overlay on 228<sup>th</sup> St. SW from 76<sup>th</sup> Ave. W to the south entrance of the Andorra Estates and from 80<sup>th</sup> Ave. W to 78<sup>th</sup> Ave. W. (collectively, the “Project”); and

WHEREAS, the City issued a SEPA Determination of Non-significance, which threshold determinations are final; and

WHEREAS, in order to carry out the Project, the City must obtain land and/or property rights, including any necessary easements and/or rights-of-way in or along Hwy. 99, and 228<sup>th</sup> St. SW., and 76<sup>th</sup> Ave. W.; and

WHEREAS, the City is the lead agency for the Project, and is responsible for obtaining all necessary land and property rights for the Project; and

WHEREAS, pursuant to State and Federal policies and regulations, the City is acquiring real property rights, including necessary fee simple titles, easements and rights-of-way, through negotiations with property owners in or along Hwy. 99, 228<sup>th</sup> St. SW, and 76<sup>th</sup> Ave. W.

WHEREAS, if the City is unable to acquire the necessary land and/or property rights, such as fee simple titles, easements and rights-of-way, in a timely manner, the City must file a petition in eminent domain (condemnation petition) in order to meet the funding and construction deadlines for the Project; and

WHEREAS, the City is authorized by Chapter 35A.64 RCW to exercise the power of eminent domain pursuant to Chapters 8.12 and 8.28 RCW;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The recitals set forth above are hereby adopted as if

set forth in full herein.

Section 2. Acquisition of Real Property. The rights and interests in the real property described on Exhibits 1 through 4 ("Property"), attached hereto and incorporated herein by reference, is necessary for the construction of the **228<sup>th</sup> St. SW Corridor Improvements project** and is condemned, appropriated, taken and damaged in fee, easement and/or right-of-way for public purposes, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.


Section 3. Source of Funds. The cost and expense of acquiring all rights and interests in the Property shall be paid for from Surface Transportation Program (STP) grant and City Transportation (Fund 112) funds.

Section 4. Condemnation Authorization. City staff, the City Attorney, and City consultants for the Project have been negotiating with the property owners to obtain land / property rights. They have been authorized and directed to enter into any and all negotiations and agreements necessary to acquire the interests in the Property as described in Exhibits 1 through 4 and Right of Way plans (pages RW05, RW06, and RW08). If such negotiations fail to acquire such interests in the Property in a timely manner, as determined by the Mayor, the City Attorney is authorized to prosecute proceedings provided by law to condemn, appropriate and take the Property and carry out the provisions of this Ordinance.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

  
MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:

  
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY

  
\_\_\_\_\_  
JEFFREY B. TARADAY

FILED WITH THE CITY CLERK:	05-31-2013
PASSED BY THE CITY COUNCIL:	06-04-2013
PUBLISHED:	06-09-2013
EFFECTIVE DATE:	06-14-2013
ORDINANCE NO. <u>3924</u>	

## SUMMARY OF ORDINANCE NO. 3924

of the City of Edmonds, Washington

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On the 4<sup>th</sup> day of June, 2013, the City Council of the City of Edmonds, passed Ordinance No. 3924. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF REAL PROPERTY INTERESTS NEEDED FOR THE 228<sup>th</sup> ST. SW CORRIDOR IMPROVEMENTS PROJECT.

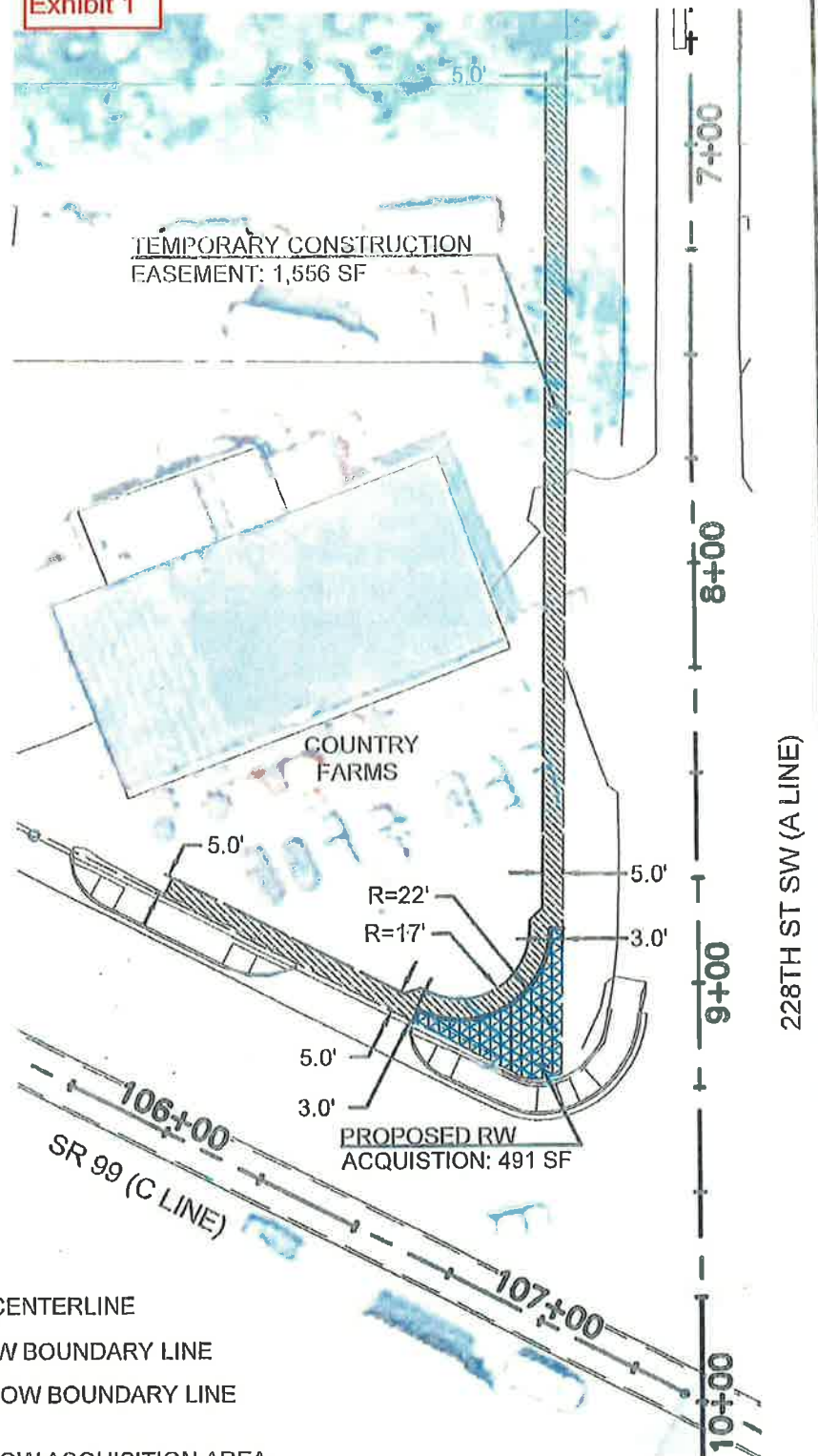
The full text of this Ordinance will be mailed upon request.

DATED this 5<sup>th</sup> day of June, 2013.



  
CITY CLERK, SANDRA S. CHASE

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**Exhibit 1**



**LEGEND**

- ALIGNMENT CENTERLINE
- - - EXISTING ROW BOUNDARY LINE
- PROPOSED ROW BOUNDARY LINE
-  PROPOSED ROW ACQUISITION AREA
-  TEMPORARY CONSTRUCTION EASEMENT AREA

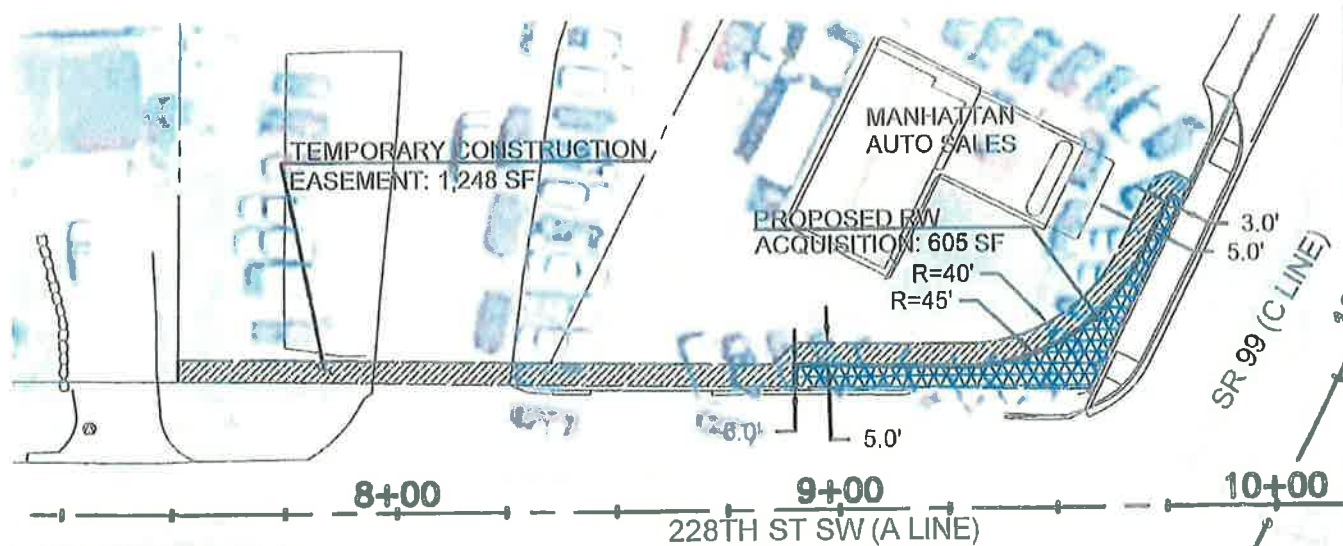


**Perteet** Inc.  
425-252-7700 | 1-800-615-6900  
2707 Colby Avenue, Suite 900  
Everett, Washington 98201



228TH ST SW CORRIDOR IMPROVEMENTS  
RJ WILEY, LLC  
TAX NO. 00576700000202  
RIGHT-OF-WAY EXHIBIT

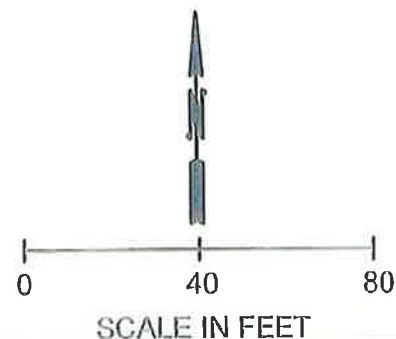
11/12/12

# Exhibit 2



## LEGEND

- — — — — ALIGNMENT CENTERLINE
- - - - - EXISTING ROW BOUNDARY LINE
- — — — — PROPOSED ROW BOUNDARY LINE
-  PROPOSED ROW ACQUISITION AREA
-  TEMPORARY CONSTRUCTION EASEMENT AREA

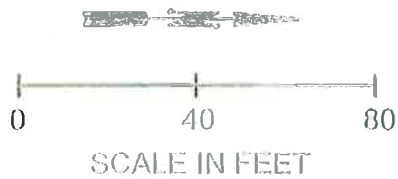


**Pertec** Inc.  
425-262-7700 | 1-800-615-9900  
2707 Colby Avenue, Suite 200  
Everett, Washington 98201

228TH ST SW CORRIDOR IMPROVEMENTS  
BOO HAN PLAZA IV, LLC  
TAX NO. 27043000404000  
RIGHT-OF-WAY EXHIBIT

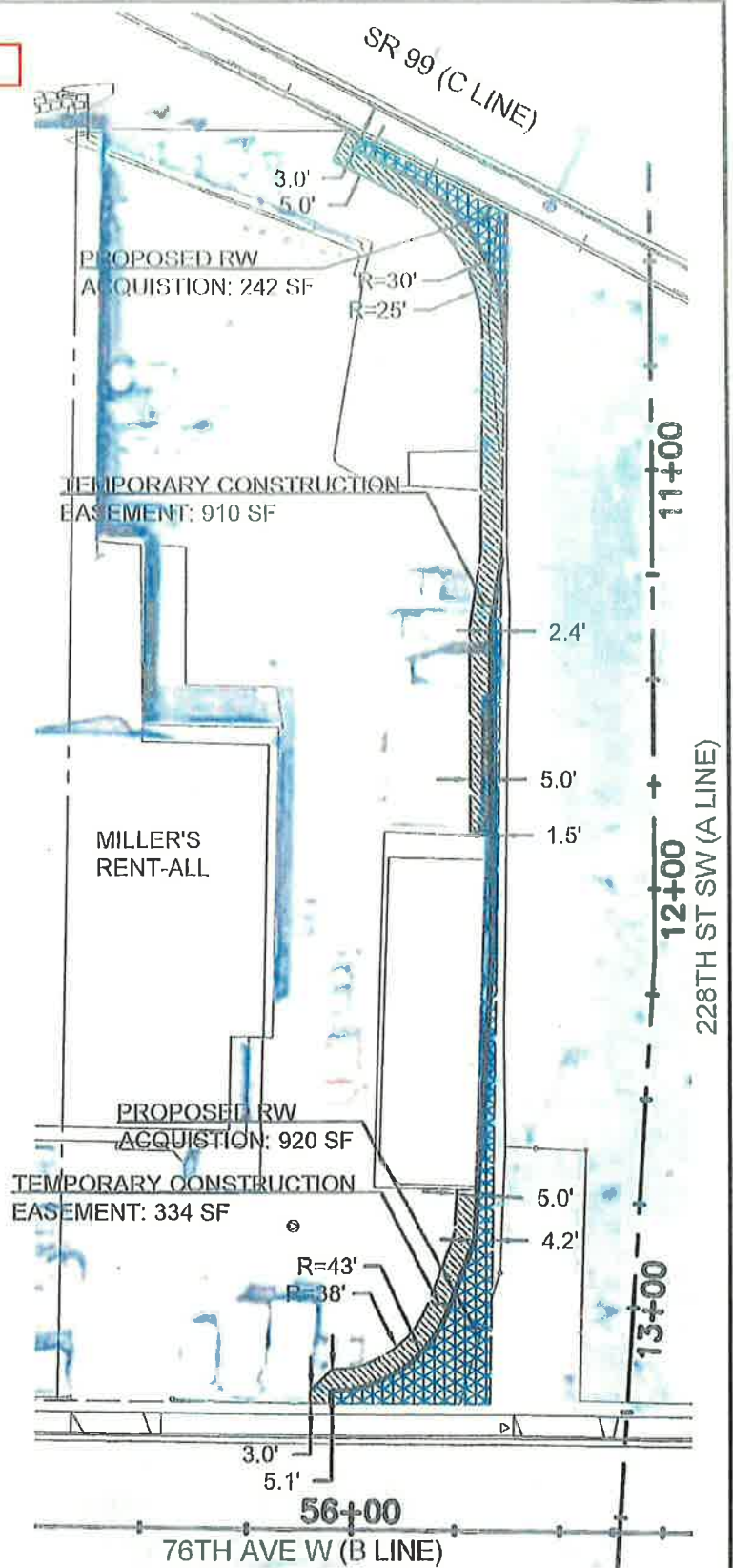
11/12/12

# Exhibit 3



## LEGEND

- ALIGNMENT CENTERLINE
- EXISTING ROW BOUNDARY LINE
- PROPOSED ROW BOUNDARY LINE
- PROPOSED ROW ACQUISITION AREA
- TEMPORARY CONSTRUCTION EASEMENT AREA



**Pertec** Inc.  
425-282-7700 | 1-800-615-9900  
2707 Colby Avenue, Suite 800  
Everett, Washington 98201






228TH ST SW CORRIDOR IMPROVEMENTS  
ROBERT S MICHLITCH, JR  
TAX NO. 00576700000102  
RIGHT-OF-WAY EXHIBIT

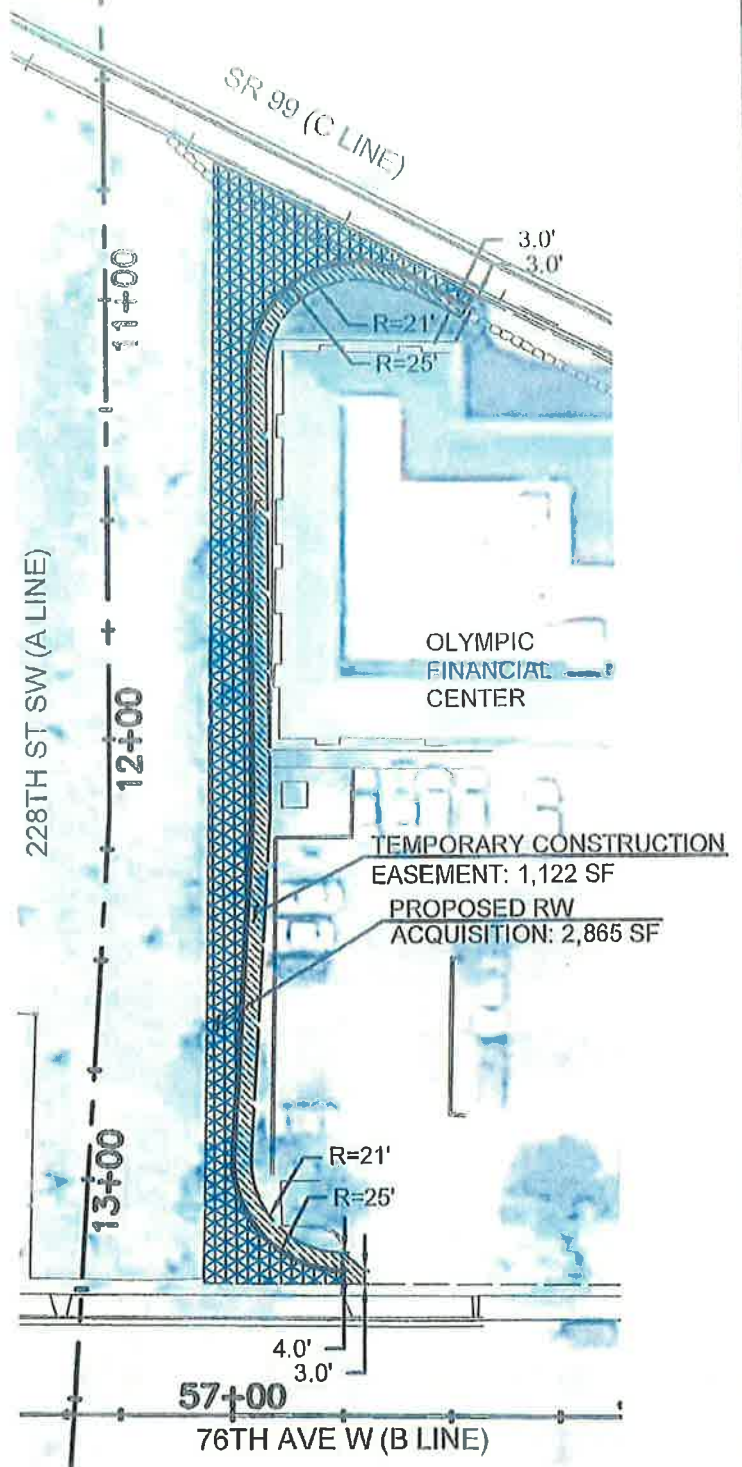
11/12/12

**Exhibit 4**



**LEGEND**

-  ALIGNMENT CENTERLINE
-  EXISTING ROW BOUNDARY LINE
-  PROPOSED ROW BOUNDARY LINE
-  PROPOSED ROW ACQUISITION AREA
-  TEMPORARY CONSTRUCTION EASEMENT AREA



**Pertec** Inc.  
 425-262-7700 | 1-800-616-9900  
 2707 Colby Avenue, Suite 900  
 Everett, Washington 98201

228TH ST SW CORRIDOR IMPROVEMENTS  
 TYE ROOT, LLC & SUN SM, LLC  
 TAX NO. 27043000404400  
 RIGHT-OF-WAY EXHIBIT

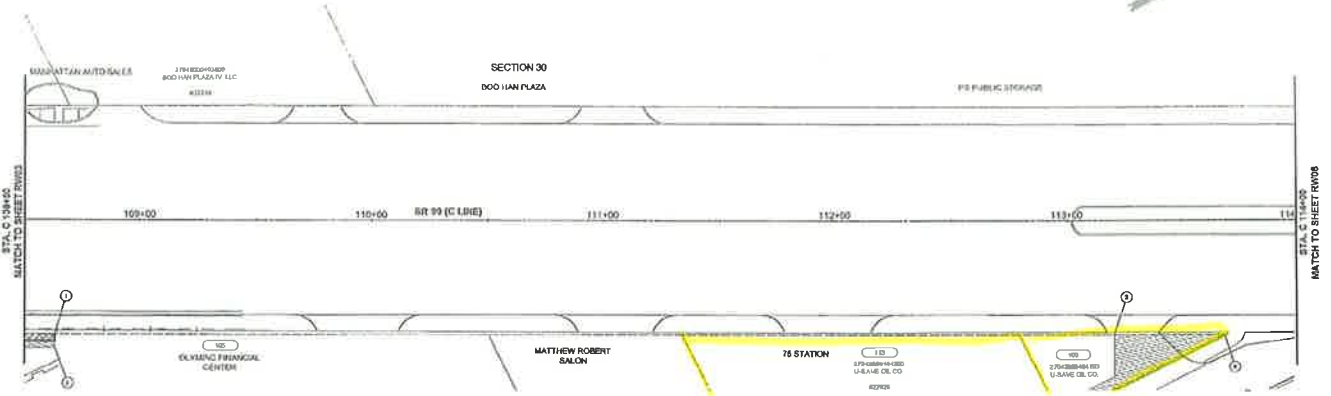
11/12/12

# SECTION 30, T. 27 N., R. 4 E., W.M.

FED AID NO. 3000000

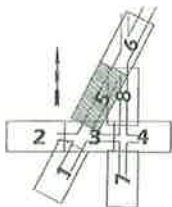
## GENERAL NOTES:

1. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET.
2. SEE ALIGNMENT PLANS FOR ALIGNMENT & P.O.B. & A.M.



POINT	STATION	OFF SET
(1)	27+00-01.05	50.70 FT
(2)	27+00-01.05	50.70 FT
(3)	27+00-01.05	50.70 FT
(4)	27+00-01.05	50.70 FT

TOTAL AREA 76 STATION		OWNERS EKS		76 STATION 76 STATION	
NO.	NAME	NO.	NAME	NO.	NAME
101	27th Street Shop	101	27th Street Shop	101	27th Street Shop
102	800 HW Plaza TV LLC	102	800 HW Plaza TV LLC	102	800 HW Plaza TV LLC
103	27th Street Shop	103	27th Street Shop	103	27th Street Shop
104	800 HW Plaza TV LLC	104	800 HW Plaza TV LLC	104	800 HW Plaza TV LLC



KEY PLAN

**LEGEND**

PROPERTY OWNERS' EKS

ALIGNMENT CENTERLINE

EXISTING ROW BOUNDARY LINE

PROPOSED ROW BOUNDARY LINE

PROPOSED ROW ACQUISITION AREA

TEMPORARY CONSTRUCTION EASEMENT AREA

0 20 40  
SCALE IN FEET

**Pertee**

2200 1st Ave S.E. #1000  
2701 Coffey Avenue, Suite 100  
Everett, Washington 98201

**90% REVIEW**

CHECK PRINT

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228TH ST SW CORRIDOR IMPROVEMENTS

SR 99 1/2" 4.75' 1.85' 4.8 0.0

RW05

RIGHT OF WAY PLAN

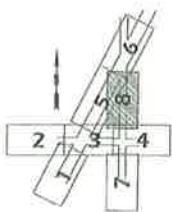
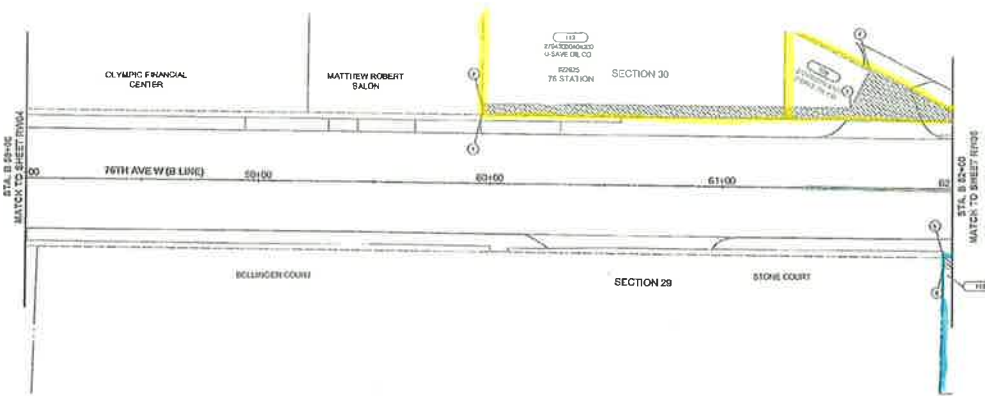


# SECTION 29/30, T. 27 N., R. 4 E., W.M.

FED AID NO. XXXXXX

## GENERAL NOTES:

1. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET.
2. SEE ALIGNMENT PLANS FOR ALIGNMENT INFORMATION.



KEY PLAN

TOTAL AREA FROM PREVIOUS PLANS		OWNERSHIP		ALL AREAS NOT SHOWN IN PREVIOUS PLANS	
PARCEL NO.	TAX PARCEL NO.	NAME	TOTAL AREA	ACQUISITION	REMARKS
1	1	OLYMPIC FINANCIAL CENTER	1.00 AC		
2	2	MATTHEW ROBERT SALON	0.50 AC		
3	3	76TH AVENUE (B LINE)	0.50 AC		
4	4	STONE COURT	0.50 AC		
5	5	76TH AVENUE (B LINE)	0.50 AC		
6	6	STONE COURT	0.50 AC		
7	7	76TH AVENUE (B LINE)	0.50 AC		
8	8	STONE COURT	0.50 AC		
9	9	76TH AVENUE (B LINE)	0.50 AC		
10	10	STONE COURT	0.50 AC		
11	11	76TH AVENUE (B LINE)	0.50 AC		
12	12	STONE COURT	0.50 AC		
13	13	76TH AVENUE (B LINE)	0.50 AC		
14	14	STONE COURT	0.50 AC		
15	15	76TH AVENUE (B LINE)	0.50 AC		
16	16	STONE COURT	0.50 AC		
17	17	76TH AVENUE (B LINE)	0.50 AC		
18	18	STONE COURT	0.50 AC		
19	19	76TH AVENUE (B LINE)	0.50 AC		
20	20	STONE COURT	0.50 AC		
21	21	76TH AVENUE (B LINE)	0.50 AC		
22	22	STONE COURT	0.50 AC		
23	23	76TH AVENUE (B LINE)	0.50 AC		
24	24	STONE COURT	0.50 AC		
25	25	76TH AVENUE (B LINE)	0.50 AC		
26	26	STONE COURT	0.50 AC		
27	27	76TH AVENUE (B LINE)	0.50 AC		
28	28	STONE COURT	0.50 AC		
29	29	76TH AVENUE (B LINE)	0.50 AC		
30	30	STONE COURT	0.50 AC		
31	31	76TH AVENUE (B LINE)	0.50 AC		
32	32	STONE COURT	0.50 AC		
33	33	76TH AVENUE (B LINE)	0.50 AC		
34	34	STONE COURT	0.50 AC		
35	35	76TH AVENUE (B LINE)	0.50 AC		
36	36	STONE COURT	0.50 AC		
37	37	76TH AVENUE (B LINE)	0.50 AC		
38	38	STONE COURT	0.50 AC		
39	39	76TH AVENUE (B LINE)	0.50 AC		
40	40	STONE COURT	0.50 AC		
41	41	76TH AVENUE (B LINE)	0.50 AC		
42	42	STONE COURT	0.50 AC		
43	43	76TH AVENUE (B LINE)	0.50 AC		
44	44	STONE COURT	0.50 AC		
45	45	76TH AVENUE (B LINE)	0.50 AC		
46	46	STONE COURT	0.50 AC		
47	47	76TH AVENUE (B LINE)	0.50 AC		
48	48	STONE COURT	0.50 AC		
49	49	76TH AVENUE (B LINE)	0.50 AC		
50	50	STONE COURT	0.50 AC		

RIGHT OF WAY POINTS	
POINT	STATION
1	50+00.00
2	50+00.00
3	50+00.00
4	50+00.00
5	50+00.00
6	50+00.00
7	50+00.00
8	50+00.00
9	50+00.00
10	50+00.00
11	50+00.00
12	50+00.00
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39	50+00.00
40	50+00.00
41	50+00.00
42	50+00.00
43	50+00.00
44	50+00.00
45	50+00.00
46	50+00.00
47	50+00.00
48	50+00.00
49	50+00.00
50	50+00.00

**LEGEND**

PROPERTY OWNERSHIP

ALIGNMENT CENTERLINE

EXISTING ROW BOUNDARY LINE

PROPOSED ROW BOUNDARY LINE

PROPOSED ROW ACQUISITION AREA

TEMPORARY CONSTRUCTION EASEMENT AREA

SCALE IN FEET

**Pertee**  
435-257-7700 | 1-800-415-9900  
2707 Colby Avenue, Suite 900  
Everett, Washington 98201



90% REVIEW  
CHECK PRINT  
NOT FOR CONSTRUCTION



320TH ST SW CORRIDOR IMPROVEMENTS  
SHEET 44.54 - 44.55

RW03

# Affidavit of Publication

STATE OF WASHINGTON,  
COUNTY OF SNOHOMISH

} S.S.

## SUMMARY OF ORDINANCE NO. 3924

of the City of Edmonds, Washington  
On the 4th day of June, 2013, the City Council of the City of Edmonds, passed Ordinance No. 3924. A summary of the content of said ordinance, consisting of the title, provides as follows:  
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF REAL PROPERTY INTERESTS NEEDED FOR THE 228TH STREET SW CORRIDOR IMPROVEMENTS PROJECT.

The full text of this Ordinance will be mailed upon request.  
DATED this 5th day of June, 2013.

CITY CLERK, SANDRA S. CHASE

Published: June 9, 2013.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3924

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

June 09, 2013

and that said newspaper was regularly distributed to its subscribers during all of said period.

*Karen E. Zorn*

Principal Clerk

Subscribed and sworn to before me this

10th

day of

June, 2013

*Diana L. Hendrix*

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



Account Name: City of Edmonds

Account Number: 101416

Order Number: 0001823335